

REMARKS

I. Introduction

Claims 1 to 18 are pending in the present application. In view of the amendments provided above and the following remarks, applicants respectfully submit that claims 1 to 18 are patentable and request reconsideration of the application.

II. Objection to the Drawings Under 37 C.F.R. §1.83(a)

The Examiner objects to the drawings under 37 C.F.R. §1.83(a) as allegedly not illustrating the features of a window and flap opening.

Applicants have added new Figure 5, illustrating the features of a window and flap opening. Applicants respectfully submit that no new matter has been added to the application through this amendment. Applicants respectfully request withdrawal of the objection to the drawings.

III. Objection to the Specification

The Examiner objects to the specification as allegedly containing an improper incorporation by reference of essential material.

Applicants respectfully submit that the specifications incorporation by reference of the priority German application is proper because the priority German application does not add any essential subject matter into this application beyond that which is already explicitly contained in the application. Therefore, applicants respectfully request withdrawal of the objection to the specification.

IV. Rejection of Claims 1, 2, 7, 10, 11 and 16 Under 35 U.S.C. §102(b)

Claims 1, 2, 7, 10, 11 and 16 were rejected as anticipated by Japanese Published Patent 63020216. ("the '216 patent"). Applicants respectfully submit that the '216 patent does not anticipate claims 1, 2, 7, 10, 11 and 16 for the following reasons.

Claim 1 relates to an extendable protective awning for a vehicle. Claim 1 recites the features of a base frame fastenable to the vehicle and a protective surface movable between at least one retracted basic position and an extended end position by a linkage, wherein the base frame is configured to be arranged in an

interior of the vehicle in a region of an upper boundary of one of (a) a door, (b) a window and (c) a flap opening of the vehicle, the protective surface extendable from the retracted basic position through an opened one of (a) the door, (b) the window and (c) the flap opening into the end position. Claim 1 has been amended, without prejudice herein, to recite that the linkage is composed of at least two levers. Support for the amendment to claim 1 is found, for example, on page 4, line 35 of the specification.

Claim 10 relates to a motor vehicle. Claim 10 recites the features of an extendable protective awning, which includes a base frame fastened to the vehicle, and a protective surface movable between at least one retracted basic position and an extended end position by a linkage wherein the base frame is arranged in a region of an upper boundary of one of (a) a door, (b) a window and (c) a flap opening in an interior of the vehicle, the protective surface extendable from the retracted basic position through an opened one of (a) the door, (b) the window and (c) the flap opening into the end position. Claim 10 has been amended, without prejudice herein, to recite that the linkage has at least two levers. Support for the amendment to claim 10 is found, for example, on page 4, line 35 of the specification.

Applicants respectfully submit that the '216 patent does not disclose or suggest a linkage which has at least two levers and as such, the rejections to claims 1 and 10 should be withdrawn. The '216 patent relates to a protective cover 2 which is fastened to an automobile. A conical shaped shaft is positioned in a casing and fixed to an upper edge of a door opening. The protective cover 2 is wound around the conical shaped shaft which is actuated to allow the protective cover 2 to be unrolled and rolled onto the shaft. The protective cover 2 is attached to a point on the car through a metal hook (k). When the door is opened, the protective cover 2 is unrolled from the conical shaped shaft and extends over a semi-circular arc along which the door has traveled during the opening process. The '216 patent does not disclose or even suggest a linkage which has at least two levers as recited in independent claims 1 and 10. Any such linkage with at least two levers would make the '216 patent inoperative, as the protective cover 2 is required to be rolled around the conical shaped winding shaft 1. Any levered linkage would prevent the rolling of the protective cover and render the '216 patent inoperative. Applicants respectfully submit that as the '216 patent does not disclose or even suggest the features of amended claims 1 and 10, the '216 patent does not anticipate claims 1 and 10.

Claims 2 and 7 depend from claim 1 and therefore include all of the features of amended claim 1. Applicants respectfully request withdrawal of the rejection of claims 2 and 7 for at least the reasons provided above in relation to claim 1.

Claims 11 and 16 depend from claim 10 and therefore include all of the features of amended claim 10. Applicants respectfully request withdrawal of the rejection of claims 11 and 16 for at least the reasons provided above in relation to claim 10.

V. Allowable Subject Matter

Claims 3 to 6, 8, 9, 12 to 15, 17 and 18 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claims 3 to 6, 8, 9, 12 to 15, 17 and 18 have been either placed in independent form or depend from an allowable claim which is in independent form. Applicants respectfully request withdrawal of the objections to claims 3 to 6, 8, 9, 12 to 15, 17 and 18.

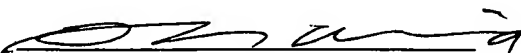
VI. Conclusion

It is respectfully submitted that all pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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